EXHIBIT A

Page 1

IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl:MDL NO. 1358 (SAS)
Ether ("MTBE") :
Products Liability :
Litigation :

In Re:

City of New York

CONFIDENTIAL (Per 2004 MDL 1358 Order)

November 19, 2008

Videotaped Deposition of
VIRGINIA MURRAY, 30(b)(6) witness re
taste and odor, held at McDermott, Will
& Emery, 340 Madison, New York, New
York 10173, beginning at approximately
9:38 a.m., before Ann V. Kaufmann, a
Federally approved Registered
Professional Reporter, Certified
Realtime Reporter, and a Notary Public.

GOLKOW TECHNOLOGIES, INC. 877.370.3377 ph | 917.591.5672 fax deps@golkow.com

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Page 48
                                       Page 46
                                                    1
                                                            O. And with regard to the
 1
      issue given that the City, at least in
                                                        complaints that you reviewed in these
 2
      the normal course of those documents
                                                    2
                                                    3
                                                         boxes, did you at any time attempt to
      being produced, it was made clear to
 3
                                                         determine which of the complaints were
 4
      defendants that we -- excuse me, we, the
                                                    4
                                                    5
                                                         among those instances where you actually
      City of New York does not necessarily
 5
                                                    6
                                                        conducted VOC sampling?
 6
      provide that information.
                                                    7
                                                                MR. PASTERNACK: Same
 7
             MR. CONDRON: I didn't
 8
                                                    8
                                                        objection.
      follow that.
                                                    9
                                                            A. There was one particular
 9
             MR. STACK: Are you
                                                         consumer who we had VOC data for where
10
                                                  10
      directing the witness not to answer?
                                                         MTBE did show up. However, the
             MR. PASTERNACK: No, I'm
                                                  11
11
                                                        complaint was not specifically for taste
                                                  12
12
      not. I just want to make clear on the
                                                        and odor. It was an oil and grease
      record that the question being posed may
                                                  13
13
                                                        complaint. It was a sheen on the
14
      be exploring an area of expert testimony
                                                  14
                                                         water. And typically when these type of
      regarding correlation that the City
                                                  15
15
                                                        complaints come in, they are -- even
      doesn't normally undertake.
                                                  16
16
                                                         though there might be taste and odor
17
             MR. STACK: Can you read
                                                  17
                                                  18
                                                        associated with this oily sheen, it's
      that back, Ann?
18
                                                        given a grease and oil, sorry, code so
                                                  19
19
             I'll have the court reporter
                                                        this way that would direct us to then
                                                  20
20
      read it back.
                                                        sample for volatile organics.
                                                  21
21
             THE WITNESS: Thank you.
                                                            O. And with respect to this
                                                  22
             (The court reporter read the
22
                                                  23
                                                        particular complaint, was it one of the
23
      record as follows:
                                                        oil and grease complaints in which the
24
             "QUESTION: In reviewing the
                                                  24
                                                                                          Page 49
                                       Page 47
                                                        complainant noted that there was
                                                    1
 1
      two boxes of scanned complaint forms,
                                                        construction ongoing in the neighborhood
      did you undertake any analysis at any
                                                    2
 2
                                                        and they attributed the oil and grease
      time to identify the complaints in those
                                                    3
 3
                                                        in the water to construction activities?
                                                    4
      boxes which you believe were caused by
 4
                                                    5
                                                            A. I did not see the actual
 5
      the presence of MTBE in the City's water
                                                    6
                                                        complaint card. I just saw a
 6
      supply?")
                                                    7
                                                        spreadsheet with the data on it, so --
 7
             THE WITNESS: So are you
                                                    8
                                                        and I looked it up in the logbook and
      saying did I look at these complaints
 8
                                                    9
                                                        there was no record of the complainant
      and try to determine that these
 9
                                                        specifying construction. But just
      complaints were the result of MTBE?
                                                  10
10
                                                        because it wasn't in the logbook doesn't
      BY MR. STACK:
                                                  11
11
                                                        mean it wasn't on the sample card.
         Q. Correct.
                                                  12
12
                                                            O. Apart from this one
13
         A. Well, before I answer that,
                                                  13
                                                        complaint in which you were able to
      I would like to say that taste and odor
                                                  14
14
      complaints routinely are not -- a VOC
                                                        identify testing at the tap for the
                                                  15
15
                                                        customer's complaint, were there any
      sampling is not conducted for all taste
                                                  16
16
                                                        others, among those in the two boxes of
      and odor complaints. So by looking at
                                                  17
17
                                                        scanned complaints that you looked at
18
      various taste and odor complaints, for
                                                  18
      most of them I would not be able to say
                                                  19
                                                        for Queens, in which you were able to
19
                                                        identify an instance that MTBE was
      that MTBE -- that the complaint was
                                                  20
20
                                                        detected in the customer's tap?
      caused by MTBE simply because for the
                                                  21
21
                                                            A. Yes. There were a couple
      majority or for 99% of our sampling, we
                                                  22
22
                                                        of other complainants, maybe three or
      do not test for VOCs in consumer
                                                  23
2.3
                                                  24
                                                        four, that had trace amounts of MTBE
24
      complaint sampling.
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1 showing up. 2 Q. And as part of your 3 preparation for this deposition, did you 4 list out those instances, the one 5 consumer with the oil and grease 6 complaint and the other three to four in 7 Queens, in which there was a detection 8 of MTBE for the complaints that you 9 reviewed in the two boxes? 10 MR. PASTERNACK: Objection, 11 vague, "list out." 12 BY MR. STACK: 13 Q. Did you identify, list, 14 compile, otherwise 15 A. It was 16 Q in some written form 17 provide a compilation of the specific 18 complaints in which this witness in 19 reviewing the box in preparing for this 20 deposition actually identified the 21 complaints in which there was 22 corresponding test results? That's the 23 question. 24 A. The data was in one of the 25 A. Yes. 26 Page 51 27 Page 52 28 Page 51 29 A. Okay. Q. With regard to the speradsheet described in Paragraph 10, qns_Complaints_080612VX.xls, did you prepare that spreadsheet? A. No, I did not. Q. Did anyone in your unit prepare that spreadsheet? A. No, I did not. Q. Did anyone in your unit prepare that spreadsheet? A. No, I did not. Q. Who prepared it? A. I believe it was prepared by Lin Lu. VX is Vicky Xu, X-U, and she just added a she added a sheet that had the like a legend to what the spreadsheet some of the abbreviations. So she saved it with her initials. 18 spreadsheets that was provided and I think that you reference in your deposition. 20 Q. And Ms. Xu, X-U? 21 Q. And Ms. Xu, X-U? 22 A. Xu. Q. Xu, she is a City employee? A. Yes. Page 51 Q. Does she work directly under your supervision? A. No. Q. For whom does she work? A. No.
Q. And as part of your preparation for this deposition, did you list out those instances, the one consumer with the oil and grease complaint and the other three to four in Queens, in which there was a detection of MTBE for the complaints that you reviewed in the two boxes? MR. PASTERNACK: Objection, wague, "list out." Pague, "list out." Q. Did anyone in your unit prepare that spreadsheet? A. No, I did not. Q. Did anyone in your unit prepare that spreadsheet? A. Yes. Q. Who prepared it? A. I believe it was prepared by Lin Lu, and then and the VX would indicate that it was either appended to the data itself was prepared by Lin Lu. VX is Vicky Xu, X-U, and she just added a she added a sheet that had the like a legend to what the spreadsheet escribed in Paragraph 10, qns_Complaints_080612VX.xls, did you prepare that spreadsheet? A. No, I did not. Q. Did anyone in your unit prepare that spreadsheet? A. Yes. Q. Who prepared it? A. I believe it was prepared by Lin Lu, and then and the VX would indicate that it was either appended to the data itself was prepared by Lin Lu. VX is Vicky Xu, X-U, and she just added a she added a sheet that had the like a legend to what the spreadsheet escribed in Paragraph 10, qns_Complaints_080612VX.xls, did you prepare that spreadsheet? A. No, I did not. Q. Did anyone in your unit prepare that spreadsheet? A. Yes. Q. Who prepared it? A. I believe it was prepared by Lin Lu, and then and the VX would indicate that it was either appended to the data itself was prepared by Lin Lu. VX is Vicky Xu, X-U, and she just added a she added a sheet that had the like a legend to what the spreadsheet escribed in Paragraph 10, qns_Complaints_080612VX.xls, did you prepare that spreadsheet? A. Yes. Q. And Ms. Xu, X-U? A. Xu, She is a City employee? A. Yes. Page 5: A. She works for Lin Lu. Q. And with regard to the
3 preparation for this deposition, did you 4 list out those instances, the one 5 consumer with the oil and grease 6 complaint and the other three to four in 7 Queens, in which there was a detection 8 of MTBE for the complaints that you 9 reviewed in the two boxes? 10 MR. PASTERNACK: Objection, 11 vague, "list out." 12 BY MR. STACK: 13 Q. Did you identify, list, 14 compile, otherwise 15 A. It was 16 Q in some written form 17 provide a compilation of the specific 18 complaints in which this witness in 19 reviewing the box in preparing for this 20 deposition actually identified the 21 complaints in which there was 22 corresponding test results? That's the 23 question. 24 A. The data was in one of the Page 51 spreadsheet described in Paragraph 10, qns_Complaints_080612VX.xls, did you prepare that spreadsheet? A. No, I did not. Q. Did anyone in your unit prepare that spreadsheet? A. Yes. Q. Who prepared it? A. I believe it was prepared by Lin Lu, and then and the VX would indicate that it was either appended to the data itself was prepared by Lin Lu. VX is Vicky Xu, X-U, and she just added a she added a sheet that 17 had the like a legend to what the spreadsheet some of the abbreviations. So she saved it with her initials. Q. And Ms. Xu, X-U? Q. And Ms. Xu, X-U? Q. A. Xu. Q. And Ms. Xu, X-U? A. Xu. Q. Yu, she is a City employee? A. Yes. Page 5: Page 5: Q. Does she work directly under your supervision? A. No. Q. For whom does she work? For whom does she work? For whom does she work? A. She works for Lin Lu. C. Por whom does she work? A. She works for Lin Lu. C. A. No. Q. And with regard to the
4 list out those instances, the one 5 consumer with the oil and grease 6 complaint and the other three to four in 7 Queens, in which there was a detection 8 of MTBE for the complaints that you 9 reviewed in the two boxes? 10 MR. PASTERNACK: Objection, 11 vague, "list out." 12 BY MR. STACK: 13 Q. Did you identify, list, 14 compile, otherwise 15 A. It was 16 Q in some written form 17 provide a compilation of the specific 18 complaints in which this witness in 19 reviewing the box in preparing for this 20 deposition actually identified the 21 complaints in which there was 22 corresponding test results? That's the 23 question. 24 A. The data was in one of the Page 51 1 spreadsheets that was provided and I think that you reference in your a deposition. 4 Q. And the data you are 5 referring to is data in a spreadsheet 6 complaints in which there to four in 7 Queens, in which there to four in 7 Queens, in which there was a detection 9 reviewed in the two boxes? 9 A. Yes. Q. Who prepared that spreadsheet? A. I believe it was prepared by Lin Lu, and then and the VX would indicate that it was either appended to the data itself was prepared by Lin Lu. VX is Vicky Xu, X-U, and she just added a she added a sheet that had the like a legend to what the spreadsheet some of the abbreviations. So she saved it with her initials. 12 Q. And Ms. Xu, X-U? 13 Q. And Ms. Xu, X-U? 14 Q. Does she work directly under your supervision? 15 Q. Does she work directly under your supervision? 16 Q. For whom does she work? 17 Q. For whom does she work? 18 Q. For whom does she work? 19 A. Yes. Page 5: 10 Q. For whom does she work? 21 Q. And with regard to the
5 consumer with the oil and grease 6 complaint and the other three to four in 7 Queens, in which there was a detection 8 of MTBE for the complaints that you 9 reviewed in the two boxes? 10 MR. PASTERNACK: Objection, 11 vague, "list out." 12 BY MR. STACK: 13 Q. Did you identify, list, 14 compile, otherwise 15 A. It was 16 Q in some written form 17 provide a compilation of the specific 18 complaints in which this witness in 19 reviewing the box in preparing for this 20 deposition actually identified the 21 complaints in which there was 22 corresponding test results? That's the 23 question. 24 A. The data was in one of the Page 51 1 spreadsheets that was provided and I think that you reference in your 3 deposition. 4 Q. And the data you are 5 referring to is data in a spreadsheet 6 complaint and the other three to four in 7 Queens, in which there was a detection 7 Q. Did anyone in your unit prepare that spreadsheet? A. No, I did not. A. Yes. Q. Who prepared that spreadsheet? A. I believe it was prepared by Lin Lu, and then and the VX would indicate that it was either appended to the data itself was prepared by Lin Lu. VX is Vicky Xu, X-U, and she just added a she added a sheet that had the like a legend to what the spreadsheet some of the abbreviations. So she saved it with her initials. Q. And Ms. Xu, X-U? A. Yes. Page 5: Q. Does she work directly under your supervision? A. No. Q. For whom does she work? Feferring to is data in a spreadsheet 5 referring to is data in a spreadsheet 6 G. A. No. Q. For whom does she work? Feferring to is data in a spreadsheet 7 Q. And with regard to the
complaint and the other three to four in Queens, in which there was a detection of MTBE for the complaints that you reviewed in the two boxes? MR. PASTERNACK: Objection, vague, "list out." Page 51 complaints in which this witness in reviewing the box in preparing for this complaints in which there was corresponding test results? That's the complaints in which there was corresponding test results? That's the complaints that was provided and I think that you reference in your deposition. A. No, I did not. Q. Did anyone in your unit prepare that spreadsheet? A. Yes. Q. Who prepared it? A. I believe it was prepared by Lin Lu, and then and the VX would indicate that it was either appended to the data itself was prepared by Lin Lu. VX is Vicky Xu, X-U, and she just added a she added a sheet that had the like a legend to what the spreadsheet some of the abbreviations. So she saved it with her initials. Q. And Ms. Xu, X-U? A. Xu. Q. And Ms. Xu, X-U? A. Yes. Page 51 page 51 Q. Does she work directly under your supervision? A. No. Q. For whom does she work? Ferring to is data in a spreadsheet from the City's lab? A. No. Q. And with regard to the
Queens, in which there was a detection of MTBE for the complaints that you reviewed in the two boxes? MR. PASTERNACK: Objection, to wague, "list out." BY MR. STACK: Q. Did you identify, list, Q. Did you identify, list, to compile, otherwise A. It was C. Did you identify was prepared by Lin Lu. and then and the VX would indicate that it was either appended to the data itself was prepared by Lin Lu. VX is Vicky Xu, X-U, and she just added a she added a sheet that had the like a legend to what the spreadsheet some of the abbreviations. So she saved it with her initials. Complaints in which there was corresponding test results? That's the question. Page 51 spreadsheets that was provided and I think that you reference in your deposition. Q. And the data you are ferering to is data in a spreadsheet A. Yes. Q. Who prepare that spreadsheet? A. Yes. Q. Who prepared it? A. I believe it was prepared by Lin Lu. and then and the VX would indicate that it was either appended to the data itself was prepared by Lin Lu. VX is Vicky Xu, X-U, and she just added a she added a sheet that had the like a legend to what the spreadsheet some of the abbreviations. So she saved it with her initials. Q. And Ms. Xu, X-U? A. Yes. Page 51 Q. Does she work directly under your supervision? A. No. Q. Does she work directly under your supervision? A. No. Q. For whom does she work? A. She works for Lin Lu. A. The data was in one of the specific to the data to the vice was prepared by Lin Lu. Q. And with regard to the
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9 reviewed in the two boxes? 10 MR. PASTERNACK: Objection, 11 vague, "list out." 12 BY MR. STACK: 13 Q. Did you identify, list, 14 compile, otherwise 15 A. It was 16 Q in some written form 17 provide a compilation of the specific 18 complaints in which this witness in 19 reviewing the box in preparing for this 20 deposition actually identified the 21 complaints in which there was 22 corresponding test results? That's the 23 question. 24 A. The data was in one of the Page 51 Page 51 A. Yes. Q. Who prepared it? A. I believe it was prepared by Lin Lu, and then and the VX would indicate that it was either appended to the data itself was prepared by 15 Lin Lu. VX is Vicky Xu, X-U, and she just added a she added a sheet that had the like a legend to what the spreadsheet some of the 19 abbreviations. So she saved it with her initials. 21 Q. And Ms. Xu, X-U? 22 A. Xu. Q. And Ms. Xu, X-U? 23 Q. Xu, she is a City employee? A. Yes. Page 51 1 spreadsheets that was provided and I 2 think that you reference in your 3 deposition. Q. And the data you are 5 referring to is data in a spreadsheet 6 from the City's lab? A. Yes. 9 Q. Who prepared it? A. I believe it was prepared by Lin Lu, and then and the VX would indicate that it was either appended to the data itself was prepared by 15 Lin Lu. VX is Vicky Xu, X-U, and she indicate that it was either appended to the data itself was prepared by 16 just added a she added a sheet that 17 had the like a legend to what the spreadsheet some of the 20 abbreviations. So she saved it with her initials. 21 Q. And Ms. Xu, X-U? 22 A. Xu. 23 Q. Xu, she is a City employee? 24 A. No. 4 Q. Does she work directly under your supervision? 3 A. No. 4 Q. For whom does she work? 5 referring to is data in a spreadsheet 5 A. She works for Lin Lu. 6 Q. And with regard to the
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16 Q in some written form 17 provide a compilation of the specific 18 complaints in which this witness in 19 reviewing the box in preparing for this 20 deposition actually identified the 21 complaints in which there was 22 corresponding test results? That's the 23 question. 24 A. The data was in one of the Page 51 1 spreadsheets that was provided and I 2 think that you reference in your 3 deposition. Q. And the data you are 5 referring to is data in a spreadsheet 6 from the City's lab? 16 just added a she added a sheet that 17 had the like a legend to what the 18 spreadsheet some of the 19 abbreviations. So she saved it with her initials. 20 initials. 21 Q. And Ms. Xu, X-U? 22 A. Xu. 23 Q. Xu, she is a City employee? A. Yes. Page 5: Page 5: Q. Does she work directly under your supervision? 3 A. No. 4 Q. And the data you are 5 referring to is data in a spreadsheet 6 Q. And with regard to the
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complaints in which this witness in reviewing the box in preparing for this deposition actually identified the complaints in which there was corresponding test results? That's the question. A. The data was in one of the page 51 spreadsheets that was provided and I think that you reference in your deposition. Q. And the data you are referring to is data in a spreadsheet from the City's lab? 18 spreadsheet some of the abbreviations. So she saved it with her initials. Q. And Ms. Xu, X-U? A. Xu. Q. And Ms. Xu, X-U? A. Xu. Q. Xu, she is a City employee? A. Yes. Page 51 Q. Does she work directly under your supervision? A. No. Q. For whom does she work? A. She works for Lin Lu. Q. And with regard to the
reviewing the box in preparing for this deposition actually identified the complaints in which there was corresponding test results? That's the question. A. The data was in one of the Page 51 spreadsheets that was provided and I think that you reference in your deposition. Q. And Ms. Xu, X-U? A. Xu. Q. Xu, she is a City employee? A. Yes. Page 51 Q. Does she work directly under your supervision? A. No. Q. And the data you are referring to is data in a spreadsheet from the City's lab? Abbreviations. So she saved it with her initials. Q. And Ms. Xu, X-U? A. Xu. Q. Xu, she is a City employee? A. Yes. Page 53 Q. Does she work directly under your supervision? A. No. Q. For whom does she work? A. She works for Lin Lu. Q. And with regard to the
deposition actually identified the complaints in which there was corresponding test results? That's the question. A. The data was in one of the page 51 spreadsheets that was provided and I think that you reference in your deposition. Q. And Ms. Xu, X-U? A. Xu. Q. Xu, she is a City employee? A. Yes. Page 51 Q. Does she work directly under your supervision? A. No. Q. And the data you are referring to is data in a spreadsheet from the City's lab? A. She works for Lin Lu. Q. And with regard to the
21 complaints in which there was 22 corresponding test results? That's the 23 question. 24 A. The data was in one of the Page 51 1 spreadsheets that was provided and I 2 think that you reference in your 3 deposition. 4 Q. And the data you are 5 referring to is data in a spreadsheet 6 from the City's lab? 21 Q. And Ms. Xu, X-U? 22 A. Xu. 23 Q. Xu, she is a City employee? A. Yes. Page 53 Q. Does she work directly 2 under your supervision? 3 A. No. 4 Q. For whom does she work? 5 A. She works for Lin Lu. 6 Q. And with regard to the
22 corresponding test results? That's the 23 question. 24 A. The data was in one of the Page 51 1 spreadsheets that was provided and I 2 think that you reference in your 3 deposition. 4 Q. And the data you are 5 referring to is data in a spreadsheet 6 from the City's lab? A. Xu. 23 Q. Xu, she is a City employee? A. Yes. Page 53 Q. Does she work directly under your supervision? A. No. Q. For whom does she work? A. She works for Lin Lu. Q. And with regard to the
question. 2 question. 2 A. The data was in one of the Page 51 page 51 page 51 Q. Xu, she is a City employee? A. Yes. Page 53 1 spreadsheets that was provided and I think that you reference in your deposition. Q. And the data you are Ferring to is data in a spreadsheet from the City's lab? Q. Xu, she is a City employee? A. Yes. Page 53 Q. Does she work directly under your supervision? A. No. Q. For whom does she work? A. She works for Lin Lu. Q. And with regard to the
A. The data was in one of the Page 51 Page 53 1 spreadsheets that was provided and I 2 think that you reference in your 3 deposition. Q. And the data you are 5 referring to is data in a spreadsheet 6 from the City's lab? A. Yes. Page 53 Q. Does she work directly 2 under your supervision? A. No. Q. For whom does she work? A. She works for Lin Lu. Q. And with regard to the
1 spreadsheets that was provided and I 2 think that you reference in your 3 deposition. 4 Q. And the data you are 5 referring to is data in a spreadsheet 6 from the City's lab? 1 Q. Does she work directly 2 under your supervision? 3 A. No. 4 Q. For whom does she work? 5 A. She works for Lin Lu. 6 Q. And with regard to the
2 think that you reference in your 3 deposition. 4 Q. And the data you are 5 referring to is data in a spreadsheet 6 from the City's lab? 2 under your supervision? 3 A. No. 4 Q. For whom does she work? 5 A. She works for Lin Lu. 6 Q. And with regard to the
2 think that you reference in your 3 deposition. 4 Q. And the data you are 5 referring to is data in a spreadsheet 6 from the City's lab? 2 under your supervision? 3 A. No. 4 Q. For whom does she work? 5 A. She works for Lin Lu. 6 Q. And with regard to the
3 deposition. 4 Q. And the data you are 5 referring to is data in a spreadsheet 6 from the City's lab? 3 A. No. 4 Q. For whom does she work? 5 A. She works for Lin Lu. 6 Q. And with regard to the
4 Q. And the data you are 5 referring to is data in a spreadsheet 6 from the City's lab? 4 Q. For whom does she work? 5 A. She works for Lin Lu. 6 Q. And with regard to the
5 referring to is data in a spreadsheet 5 A. She works for Lin Lu. 6 from the City's lab? 5 Q. And with regard to the
6 from the City's lab? 6 Q. And with regard to the
8 Q. You indicated that you 8 you first review that document?
9 looked at spreadsheets. Specifically 9 A. Recently.
which spreadsheets did you review for 10 Q. And by "recently" what do
purposes of preparing for this 11 you mean, approximately?
deposition? And if you want to look at 12 A. Probably since I got the
13 Paragraph 8, 9, 10 in there, please, by 13 deposition.
14 all means, do so. 14 Q. Deposition notice?
15 A. Yes, I looked at the 9 and 15 A. Notice.
16 10 and I think 8 has an incorrect name. 16 Q. Fair enough.
17 I looked at a spreadsheet called 17 A. Correct.
18 groundwater service area. It was not 18 Q. And with respect to that
19 Excell. But it did have a complaint 19 spreadsheet, did you for that
20 something tab on it. 20 spreadsheet attempt to identify the lab
Q. Okay. With respect to 21 data that corresponded to any of the
22 let's go backwards. And number 8 seems 22 test results reported on this
23 to be somewhat problematical, 23 spreadsheet?
24 Ms. Murray. 24 A. I'm sorry.

	Page 54		Page 56
1	Q. The spreadsheet included	1	database, did you speak to any of the
2	reported test results; am 1 correct?	2	City employees relative to the detection
3	A. That's the spreadsheet that	3	of contaminants in the tap water of
4	had the whatever, organic data, volatile	4	those complaining customers?
5	organic data from any consumer taps over	5	MR. PASTERNACK: Objection,
6	whatever time period was requested,	6	vague.
7	so	7	A. Yeah, I'm not really sure
8	Q. And as part of your	8	what you are getting at.
9	preparation for this deposition, did you	9	Q. You looked at this
10	request the laboratory provide you with	10	complaint form pardon me, the
11	the laboratory test reports for those	11	spreadsheet Qns Complaints_080612VX;
12	specific complaints?	12	correct?
13	A. No.	13	A. Yes.
14		14	Q. After you looked at it, did
1		15	you speak to any of your fellow
15	work in this case, review any of the	16	employees in the City to obtain
16	laboratory QA/QC data accompanying the	17	information about what was in that
17	analysis of these samples?	l	
18	A. No, I did not.	18	spreadsheet?
19	Q. Did you look at any of the	19	A. No.
20	complaint cards?	20	Well, I the only one is
21	A. No, I did not.	21	we tried to find out who had generated
22	Q. Did you look at any of the	22	the spreadsheet. And as far as the data
23	complaint logs?	23	within, no.
24	A. Yes.	24	Q. And with respect to this
	Page 55		Page 57
1	Q. And for each of the	1	particular spreadsheet,
1 2	Q. And for each of the complaints identified on the spreadsheet	2	particular spreadsheet, Qns_Complaints_080612VX, you determined
1	Q. And for each of the	2 3	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu?
2	Q. And for each of the complaints identified on the spreadsheet	2	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes.
2 3	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a	2 3 4 5	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to
2 3 4	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those?	2 3 4 5 6	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms?
2 3 4 5	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all	2 3 4 5	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr.
2 3 4 5 6	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook,	2 3 4 5 6 7 8	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to
2 3 4 5 6 7	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at	2 3 4 5 6 7 8 9	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet?
2 3 4 5 6 7 8	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but	2 3 4 5 6 7 8	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not.
2 3 4 5 6 7 8 9	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there.	2 3 4 5 6 7 8 9	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of
2 3 4 5 6 7 8 9	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters	2 3 4 5 6 7 8 9	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New
2 3 4 5 6 7 8 9 10	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of	2 3 4 5 6 7 8 9 10	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of
2 3 4 5 6 7 8 9 10 11 12	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of sampling of their water supply?	2 3 4 5 6 7 8 9 10 11	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New
2 3 4 5 6 7 8 9 10 11 12 13	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of	2 3 4 5 6 7 8 9 10 11 12	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New York relative to the information
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of sampling of their water supply? A. For a customer relating to this database?	2 3 4 5 6 7 8 9 10 11 12 13	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New York relative to the information contained on the spreadsheet identified
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of sampling of their water supply? A. For a customer relating to this database? Q. Correct. And I will	2 3 4 5 6 7 8 9 10 11 12 13 14 15	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New York relative to the information contained on the spreadsheet identified Qns_Complaints_080612VX?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of sampling of their water supply? A. For a customer relating to this database? Q. Correct. And I will rephrase it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New York relative to the information contained on the spreadsheet identified Qns_Complaints_080612VX? A. Just Lin Lu and Vicky Xu.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of sampling of their water supply? A. For a customer relating to this database? Q. Correct. And I will rephrase it. With regard to the database	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New York relative to the information contained on the spreadsheet identified Qns_Complaints_080612VX? A. Just Lin Lu and Vicky Xu. Q. And did you actually speak
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of sampling of their water supply? A. For a customer relating to this database? Q. Correct. And I will rephrase it. With regard to the database Qns_Complaints_080612VX, did you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New York relative to the information contained on the spreadsheet identified Qns_Complaints_080612VX? A. Just Lin Lu and Vicky Xu. Q. And did you actually speak to Vicky Xu? A. Yes, because I was trying
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of sampling of their water supply? A. For a customer relating to this database? Q. Correct. And I will rephrase it. With regard to the database Qns_Complaints_080612VX, did you specifically look for and review any	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New York relative to the information contained on the spreadsheet identified Qns_Complaints_080612VX? A. Just Lin Lu and Vicky Xu. Q. And did you actually speak to Vicky Xu? A. Yes, because I was trying to determine who generated the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of sampling of their water supply? A. For a customer relating to this database? Q. Correct. And I will rephrase it. With regard to the database Qns_Complaints_080612VX, did you specifically look for and review any letters that were sent to these	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New York relative to the information contained on the spreadsheet identified Qns_Complaints_080612VX? A. Just Lin Lu and Vicky Xu. Q. And did you actually speak to Vicky Xu? A. Yes, because I was trying to determine who generated the spreadsheet.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of sampling of their water supply? A. For a customer relating to this database? Q. Correct. And I will rephrase it. With regard to the database Qns_Complaints_080612VX, did you specifically look for and review any letters that were sent to these complaining customers?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New York relative to the information contained on the spreadsheet identified Qns_Complaints_080612VX? A. Just Lin Lu and Vicky Xu. Q. And did you actually speak to Vicky Xu? A. Yes, because I was trying to determine who generated the spreadsheet. Q. And apart from determining
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And for each of the complaints identified on the spreadsheet Qns_Complaints_080612VX, did you have a complaint log for each of those? A. It would be all complaints are logged into a logbook, so, yes. Did I look specifically at each one in the logbook? No, but they're there. Q. Did you review any letters written by the City to the complaining customer reporting on the results of sampling of their water supply? A. For a customer relating to this database? Q. Correct. And I will rephrase it. With regard to the database Qns_Complaints_080612VX, did you specifically look for and review any letters that were sent to these	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	particular spreadsheet, Qns_Complaints_080612VX, you determined it was assembled by Lin Lu? A. Yes. Q. And did you speak to Mr. Lin Lu relative is it Mr. or Ms? A. Mr. Q. Mr. Lin Lu relative to assembling this particular spreadsheet? A. No, I did not. Q. Did you make any inquiry of any other employees of the City of New York relative to the information contained on the spreadsheet identified Qns_Complaints_080612VX? A. Just Lin Lu and Vicky Xu. Q. And did you actually speak to Vicky Xu? A. Yes, because I was trying to determine who generated the spreadsheet.

	Page 58		Page 60
1	information contained in it?	1	the lab. If we get over 10,000 to
2	A. No.	2	15,000 complaints every year, that boils
3	Q. With respect to the	3	down to a lot of complaint cards. So,
4	spreadsheet identified in Paragraph 9,	4	no.
5	which is (Redacted) TASTE ODOR	5	Q. And with regard to the
6	COMPLAINTS 1994 to 2008.xls, did you	6	complaint cards, are they known within
7	specifically review that spreadsheet?	7	the department by any other name?
8	A. Yes.	8	Mr. Hurley referred to blue cards and
9	Q. And did you determine who	9	white cards.
10	created it?	10	A. Well okay. For
11	A. That was initially created	11	complaints we used to have yellow cards
12	by Aspa Capetanakis and then when she	12	that we used for complaints and special
13	left and Arthur Tringali took her job,	13	investigations. We wanted to separate
14	then he perpetuated the spreadsheet.	14	the complaints from the special
15	Q. And the spreadsheet that is	15	investigation. So several years ago, l
16	identified as (Redacted) TASTE ODOR	16	don't know what year, we just we went
17	COMPLAINTS 1994 to 2008.xls, is that	17	to green cards. But that's also in the
18	something that's maintained in the	18	sampling site plan. If you look at the
19	ordinary course of business in your	19	different sampling site plans, it will
20	office?	20	tell you green card, yellow card, what
21	A. Yes.	21	the card looks like, what each field,
22	O. And the current individual	22	what kind of data is generated or input
23	who is the person responsible for	23	into each field. So originally they
24	updating, is that Mr. Tringali or is	24	could have been yellow cards; then it
24			· <u> </u>
			n
	Page 59	_	Page 61
1	it	1	was switched to green cards.
2	it A. No. There's a third person	2	was switched to green cards. Blue cards have nothing to
2 3	it A. No. There's a third person who's newly the new complaint or	2 3	was switched to green cards. Blue cards have nothing to do with complaints,
2 3 4	it A. No. There's a third person who's newly the new complaint or special investigation coordinator.	2 3 4	was switched to green cards. Blue cards have nothing to do with complaints. Q. Blue cards pertain to what,
2 3 4 5	it A. No. There's a third person who's newly the new complaint or special investigation coordinator. Q. And who is that individual	2 3 4 5	was switched to green cards. Blue cards have nothing to do with complaints. Q. Blue cards pertain to what, as best you understand it?
2 3 4 5 6	it A. No. There's a third person who's newly the new complaint or special investigation coordinator. Q. And who is that individual today?	2 3 4 5 6	was switched to green cards. Blue cards have nothing to do with complaints. Q. Blue cards pertain to what, as best you understand it? A. The blue cards are for
2 3 4 5 6 7	it A. No. There's a third person who's newly the new complaint or special investigation coordinator. Q. And who is that individual today? A. That is Ralph Riccardi.	2 3 4 5 6 7	was switched to green cards. Blue cards have nothing to do with complaints. Q. Blue cards pertain to what, as best you understand it? A. The blue cards are for compliance sampling, which is the main
2 3 4 5 6 7 8	it A. No. There's a third person who's newly the new complaint or special investigation coordinator. Q. And who is that individual today? A. That is Ralph Riccardi. Q. And when did Mr. Riccardi	2 3 4 5 6 7 8	was switched to green cards. Blue cards have nothing to do with complaints. Q. Blue cards pertain to what, as best you understand it? A. The blue cards are for compliance sampling, which is the main focus of our laboratory. When we we,
2 3 4 5 6 7 8 9	it A. No. There's a third person who's newly the new complaint or special investigation coordinator. Q. And who is that individual today? A. That is Ralph Riccardi. Q. And when did Mr. Riccardi assume that position?	2 3 4 5 6 7 8	was switched to green cards. Blue cards have nothing to do with complaints. Q. Blue cards pertain to what, as best you understand it? A. The blue cards are for compliance sampling, which is the main focus of our laboratory. When we we, as a big water supplier, we will respond
2 3 4 5 6 7 8 9	it A. No. There's a third person who's newly the new complaint or special investigation coordinator. Q. And who is that individual today? A. That is Ralph Riccardi. Q. And when did Mr. Riccardi assume that position? A. Recently. Within the last	2 3 4 5 6 7 8 9	was switched to green cards. Blue cards have nothing to do with complaints. Q. Blue cards pertain to what, as best you understand it? A. The blue cards are for compliance sampling, which is the main focus of our laboratory. When we we, as a big water supplier, we will respond to consumer complaints, but this is a
2 3 4 5 6 7 8 9 10	it A. No. There's a third person who's newly the new complaint or special investigation coordinator. Q. And who is that individual today? A. That is Ralph Riccardi. Q. And when did Mr. Riccardi assume that position? A. Recently. Within the last year.	2 3 4 5 6 7 8 9 10	was switched to green cards. Blue cards have nothing to do with complaints. Q. Blue cards pertain to what, as best you understand it? A. The blue cards are for compliance sampling, which is the main focus of our laboratory. When we we, as a big water supplier, we will respond to consumer complaints, but this is a complimentary type of sampling
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Page 70
                                                                                          Page 72
      going off the record. The time is
                                                    1
                                                            Q. And can you recall
  1
                                                    2
  2
      10:41 a.m. This is the end of Tape 1 of
                                                         approximately when it was that the 311
                                                    3
  3
                                                         service replaced 718-DEP-HELP?
      the deposition of Virginia Murray.
                                                            A. It was when Mayor Bloomburg
                                                    4
  4
             (Recess.)
  5
                                                    5
                                                         came to town, I believe, so maybe it was
             THE VIDEOGRAPHER: We are
                                                         seven or eight years ago or six or seven
  6
                                                    6
      back on the record. The time is
                                                    7
  7
      10:52 a.m. This is the start of Tape 2
                                                        years ago.
  8
                                                    8
                                                            Q. With respect to the
      of the deposition of Virginia Murray.
                                                    9
                                                         718-DEP-HELP line, that was manned 24
 9
      BY MR. STACK:
                                                  10
                                                         hours a day?
10
          Q. When we broke you were
11
      talking about your discussions with
                                                  11
                                                            A. Yes.
12
      Ms. Capetanakis, and I think it's
                                                  12
                                                            Q. And the people who manned
      appropriate now to focus on the claims
                                                  13
                                                         the complaint line 718-DEP-HELP, were
13
                                                         they all City employees?
14
      process which you have touched upon for
                                                  14
                                                            A. I believe so.
                                                  15
15
      at least the special investigations
                                                            Q. The complaint line you say
                                                  16
16
      coordinator.
                                                         then would take the complaints, and my
                                                  17
17
             For purposes of this
      deposition, did you undertake to inform
                                                  18
                                                        words, not yours, distribute them to
18
                                                        certain people, be it sewer or water or
      yourself about the claims -- pardon me,
                                                  19
19
                                                        by borough; am I correct?
20
      complaint intake and processing employed
                                                  20
21
      by the City of New York since 1996?
                                                  21
                                                            A. Correct.
                                                  22
                                                            O. Now, what criteria, if you
22
          A. Did I --
23
          Q. Did you attempt to inform
                                                  23
                                                        know, did the complaint line personnel
                                                  24
                                                        employ to classify the type of
24
      yourself about what the process was
                                                                                         Page 73
                                       Page 71
                                                    1
                                                        complaint?
 1
      for ---
                                                    2
 2
          A. I know the process. I was
                                                            A. It was textual, so they
                                                    3
                                                        would just type whatever the complainant
 3
      here for the duration, so I remember.
                                                        told them over the phone and then I
                                                    4
 4
      Certain things I remember.
                                                    5
                                                        believe they would fax -- I don't know
 5
          Q. Certain things. With
 б
      regard to the claims intake process, if
                                                    6
                                                        how, if it was a fax or it was, you
                                                    7
 7
                                                        know, a teleprompt -- tele -- whatever
      a customer wants to register a complaint
                                                    8
                                                        they used to use back then, it wasn't
 8
      with the City back in 1996, what was the
 9
                                                   9
                                                        computerized, to each borough yard;
      organization that that individual was
                                                  10
                                                        okay? And then the borough yard would
10
      directed to?
                                                  11
                                                        then take a look at the complaint and if
11
          A. There was a phone number
                                                        it had something to do with water
12
      718-DEP-HELP, which were for water and
                                                  12
                                                  13
                                                        quality, they would fax it to then to
13
      sewer complaints. It was a specific DEP
                                                  14
                                                        our office.
14
      hotline, so to speak. I was -- the
                                                  15
15
      operators would then process the call,
                                                            Q. And in those instances
                                                        where there were water quality problems
16
      and depending on the nature of the
                                                  16
                                                        faxed to your office, were they routed
      complaint, they would funnel the
                                                  17
17
                                                        to a special investigations coordinator?
                                                  18
18
      complaints to the various -- I think it
19
      might have been the borough yards.
                                                  19
                                                            A. Yes, she would pick up the
                                                  20
                                                        faxes every morning and log them into
20
         Q. And the complaint line --
21
      my words, not yours, but the complaint
                                                  21
                                                        the logbook.
                                                  22
                                                            Q. And once the special
22
      line 718-DEP-HELP, is that still in
                                                  23
                                                        investigations coordinator logged them
23
      existence today?
24
         A. No. Right now it's 311.
                                                  24
                                                        into the logbook, thereafter the
```

1	Page 82		Page 84
	MR. PASTERNACK: Objection,	1	for VOCs for the period 1996 up through
2	vague, "doing something."	2	the present, what analytical method was
3	A. I can answer that.	-3.	used?
4	First of all, we never	4	A. 524.2.
5	found orthophosphate in my	5	Q. And with respect to the
6	recollection, orthophosphate levels were	6	results that were obtained, did the City
7	generally pretty stable. So if an	7	send the complaining customer a copy of
8	occurrence came where the person in the	8	a lab sheet showing the results of the
9	field analyzed for an orthophosphate	و ا	524.2 analysis?
10	sample and came up with an unusual	10	A. I'm not certain about
111	result, I'm sure that that person would	11	that. I'm sure if there were any
12	have contacted the base and asked for	12	anything above the MCL, the maximum
13	further instruction. But I do not	13	contaminant level, I'm sure that would
14	recall any time that orthophosphate came	14	have been highlighted in the letter of
15	anywhere near over the limit of our	15	the report. However, I don't know if we
16	field meters.	16	would actually present pages upon pages
17	Q. With respect to residual	17	of multisyllable compounds which would
18	chlorine, what is the protocol that the	18	just totally confuse the consumer, which
19	personnel attending a customer's home to	19	would then lead to more telephone calls
20	conduct sampling are to follow if they	20	and questions.
21	find residual chlorine at excessive	21	So if there was something
22	levels?	22	that was above the MCL or approaching
23	A. Once again, the residual	23	the MCL or even present, we would then
24	chlorine we tended to go in the opposite	24	probably mention that in the letter
2 4		24	
	Page 83		Page 85
1	direction, so we were looking more for		
١ ۾	411	1	itself. I'm not really sure about
2	the lower chlorine values. So we tended	2	including all those non-detect results.
3	not to see residual chlorine at such	2 3	including all those non-detect results. I'd have to check on that, though.
3 4	not to see residual chlorine at such high values. If they were what we	2 3 4	including all those non-detect results. I'd have to check on that, though. Q. With respect to notifying
3 4 5	not to see residual chlorine at such high values. If they were what we considered high, we would then	2 3 4 5	including all those non-detect results. I'd have to check on that, though. Q. With respect to notifying the customer of the results of testing,
3 4 5 6	not to see residual chlorine at such high values. If they were what we considered high, we would then contact — you know, they would radio	2 3 4 5 6	including all those non-detect results. I'd have to check on that, though. Q. With respect to notifying the customer of the results of testing, was there a protocol that the department
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3 4 5 6 7 8	not to see residual chlorine at such high values. If they were what we considered high, we would then contact you know, they would radio the results to the base and then someone at the base would then contact	2 3 4 5 6 7 8	including all those non-detect results. I'd have to check on that, though. Q. With respect to notifying the customer of the results of testing, was there a protocol that the department employed regarding what information would be reported back to the customer
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Page 96 Page 94 the presence of MTBE in the source water 1 believe the way -- it wasn't even a 1 2 or distribution system? 2 compound that was measured for under the 3 A. I cannot recall. However, 524 analysis. So I don't think you had 3 just because we didn't test for the MTBE 4 to -- and I'm not an expert on this. I 4 5 want to clarify I'm not an expert, but 5 does not mean it wasn't there. So б people may have complained taste and this is my understanding, is that when 6 odor complaints, they may have been 7 7 we started analyzing volatile organics 8 smelling MTBE, but it was not a course 8 from these wells, which previously we 9 of our routine response to consumer 9 had just been analyzing volatile complaints, so we did not collect VOC 10 10 organics from surface water, they noticed, I believe, in the data coming 11 samples. 11 12 So specifically, did people 12 from the mass spec that there was an complain specifically about MTBE? No. 13 additional peak and that's when they 13 I don't think most people knew what MTBE 14 14 started calibrating the instrument for 15 MTBE. So that's when it was -- when we 15 was. acquired the groundwater wells is when 16 MR, CONDRON: Move to 16 17 strike as nonresponsive. 17 we started -- shortly thereafter when we 18 started monitoring for MTBE. 18 BY MR. STACK: Q. And the focus of my 19 19 Q. With respect to customer question -- and if I have been inartful, 20 20 taste and odor complaints, are there any instances you can recall where there 21 I apologize. I'm asking if you, as an 21 employee of the City, can recall have been specific complaints in which a 22 22 instances where you or your fellow customer has identified MTBE as the 23 23 24 employees associated customer taste and 24 possible cause? Page 97 Page 95 A. Not that I can recall. 1 odor complaints in Queens with the 1 2 presence of MTBE in any well? 2 Q. In the context of your 3 experience with the City, are there any 3 A. No. 4 Q. Did you at any point in 4 instances where you, as a City employee, 5 time in your career associate customer 5 or your fellow employees have 6 taste and odor complaints in Queens with 6 specifically identified MTBE as the 7 the presence of MTBE somewhere in the 7 cause of a specific customer complaint 8 water distribution system in Queens 8 in Queens? 9 MR. PASTERNACK: Again, I 9 Borough? 10 MR. PASTERNACK: Again, same 10 just renew the objection that Ms. Murray objection with respect to Ms. Murray not 11 is not here as an expert with respect to 11 12 being here as an expert on the any kind of correlation that should be 12 correlation; only with respect to what done on top of what the City routinely 13 13 was done by the City in its ordinary 14 does in its ordinary course of business. 14 course of business. MR. STACK: And I appreciate 15 15 16 A. No, we did not correlate 16 that and I will clarify this question is 17 between MTBE and consumer complaints. not eliciting expert opinion and I will 17 Q. With respect to your career 18 18 repeat it. with the City of New York, I take it 19 BY MR. STACK: 19 from your commentary that it wasn't 20 Q. In your experience with the 20 until sometime in the late 1990s that 21 City of New York, can you recall any 21 22 instances where you or your fellow 22 the compound MTBE was routinely analyzed for in the VOC analysis in the labs; am employees associated specific customer 23 23 24 I correct? 24 taste and odor complaints in Queens with

	Page 118		Page 120
1	in the late 1990s?	1	required by law. It is something that
2	A. I think it was '99 into	2	we're doing to try to alleviate problems
3	2000, somewhere around there.	3	that our consumers are having. However,
4	Q. Prior to that point in	4	we're responsible only for the water in
5	time, was there any classification	5	the water mains. Once it leaves the
6	system to codify taste and odor	6	water mains, it is out of our domain.
7	complaints by a descriptor?	7	If a consumer is having a particular
8	A. Well, that's where we got	8	problem, we will attempt to rectify the
9	the codes from, is we took a look at how	9	situation. However, most of our
10	we were describing these taste and odor	10	resources up at the lab are devoted to
11	codes, and that's where we got the five	11	compliance issues, and we feel that by
12	subcategories from. So we found most of	12	monitoring the source water and certain
13	the taste and odor complaints fell into	13	specific sites in our distribution
14	one of five categories.	14	system and the three tunnels, whatever,
15	Q. And with respect to the	15	we are monitoring all that entry points
16	work that you do for the City, do you	16	on a routine basis, there should be
17	provide reports to your superiors	17	no there should be no need to
18	indicating what number of taste and odor	18	there should be no way that VOCs should
19	complaints fall into each of these	19	be able to get into the water unless it
20	categories?	20	is coming from the source water.
21	A. No.	21	Q. Now, with respect to taste
22	Q. With regard to the	22	and odor complaints, in the process of
23	categorization of taste and odor	23	responding to those, are there instances
24	complaints, is there any routine	24	where there are specific reports that
	Page 119		Page 121
1	Page 119	1	Page 121
1 2	reporting within the department to	1 2	are generated identifying the cause of
2	reporting within the department to indicate which types of taste and odor	2	are generated identifying the cause of any customer's complaint?
2 3	reporting within the department to indicate which types of taste and odor complaints are being reported more	2 3	are generated identifying the cause of any customer's complaint? A. If we do a special
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	reporting within the department to indicate which types of taste and odor complaints are being reported more prevalently than others? A. No. We just tabulate total number of complaints received over a certain time, how many resolved. Q. And with respect to the instances out of the 12,000 that you receive, I believe you said it could be 90 or 99 percent of them you don't do VOC testing; am I correct? A. I would say correct. Q. So is it 99% or 90? I'm sorry, that was a lousy question. A. I would say the vast majority we do not collect VOCs. Q. And why is it that you don't collect VOC samples for the vast majority? A. Because we monitor the source	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	are generated identifying the cause of any customer's complaint? A. If we do a special investigation and we find that something was, you know, awry in the system, yes, we can then rectify the situation, get other bureaus involved to help us alleviate whatever is going on in the consumer's home, and the letter will state such. Q. Are there any instances that you can recall in your career with the City of New York where a taste and odor complaint registered by a resident in Queens was identified as having been caused by gasoline constituents, including MTBE, in the distribution system? A. I don't think so. Q. Are there any instances where you can recall that your department worked with the other
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	reporting within the department to indicate which types of taste and odor complaints are being reported more prevalently than others? A. No. We just tabulate total number of complaints received over a certain time, how many resolved. Q. And with respect to the instances out of the 12,000 that you receive, I believe you said it could be 90 or 99 percent of them you don't do VOC testing; am I correct? A. I would say correct. Q. So is it 99% or 90? I'm sorry, that was a lousy question. A. I would say the vast majority we do not collect VOCs. Q. And why is it that you don't collect VOC samples for the vast majority? A. Because we monitor the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	are generated identifying the cause of any customer's complaint? A. If we do a special investigation and we find that something was, you know, awry in the system, yes, we can then rectify the situation, get other bureaus involved to help us alleviate whatever is going on in the consumer's home, and the letter will state such. Q. Are there any instances that you can recall in your career with the City of New York where a taste and odor complaint registered by a resident in Queens was identified as having been caused by gasoline constituents, including MTBE, in the distribution system? A. I don't think so. Q. Are there any instances where you can recall that your

	Page 138		Page 140
1	odor problems for public water	1	designing the complaint cards. I know
2	purveyors?	2	the kind of information that's there.
3	A. No, I did not.	3	So, no, I did not for this specific case
4	Q. With regard to your work in	4	look at any of some of these
5	preparing for this deposition, did you	5	documents.
6	look at any taste and odor studies	6	Q. Did you for purposes of
7	relative to the taste or odor threshold	7	this deposition review complaint cards
8	of MTBE in drinking water?	8	which were related to customer
9	 A. Honestly, I couldn't 	9	complaints where testing had occurred
10	find I would have liked to, but	10	for volatiles specifically to prepare to
11	Q. In the course of your	11	testify here today?
	preparation for this deposition, did you	12	 A. I didn't look at complaint
	look at any reports submitted in any of	13	cards because I know what information is
	the other multidistrict cases before	14	going to be on the complaint cards.
1	Judge Scheindlin relative to taste and	15	There's not going to be any information
1	odor issues in other cases?	16	on that card that's going to be useful
17	A. No, I did not.	17	for this type of deposition.
18	 Q. Did you undertake to do a 	18	 Q. And you say that because of
	search on the Internet to identify any	19	your experience or because you have
	peer-reviewed articles relative to the	20	looked at the cards or both?
1	taste and odor threshold for MTBE in	21	A. Because of both. I know
	drinking water?	22	what the cards I know the information
23	A. No.	23	on the cards. What's on the green cards
24	Q. Did you, in the course of	24	is just the complainant's name, address,
,	Page 139		Page 141
1 1	your work on this matter, review any	1	the location that the sample was taken,
2	material data safety sheets that were	2	either the kitchen tap, bathroom tap,
3	issued by any of the defendants	3	whether it was a hydrant sample, some of
4	concerning taste and odor of MTBE in	4	the field readings. And then if there
5 (drinking water?	5	was any I don't know. At the time
6	A. No.	6	the lab was actually putting data on the
7	 Q. Did you review any product 	7	card as well, but after a while they
	safety bulletins concerning the taste	8	stopped using those cards and they just
	and odor threshold for MTBE in drinking	9	started inputting data into computers.
1	water?	10	So the green cards were just sort of
11	A. No. I want to backtrack	11	like a sample of custody transfer. It
	and say you keep asking me did I review	12	was like a chain of custody.
ı	this, did I review that, did I review	13	We provided we filled
ı	this. And I keep saying no, which may	14	out a green card or a yellow card prior
	seem to you like I'm ill prepared for	15	to the green cards, one per sample;
ı	this. But previously you asked me if I	16	okay? Kitchen sink, immediate sample,
	had looked at cards and I said no	17	here is your field readings. Kitchen
	because I have not looked at cards, I	18	sink, five-minute sample, the address,
	have not looked at sample cards. I have	19	the consumer's name, whatever, here are
	seen so many sample cards and so many	20	your five-minute readings. All this
2.1	complaint cards in my 13 years, there	21	information got put into a laboratory
22 v	was no need for me to look at complaint	2 2	information system, the LIMS system,
22 v 23 c		22 23 24	information system, the LIMS system, which was computerized. So if you wanted to see the data, you didn't have

So for me looking at green cards, it was an exercise in futility. Q. And with regard to the complaint cards, are there areas where the sampler can make remarks relative to the conditions that they observed? A. Yes. Q. And did you think, in terms of preparing for the deposition, that the three were any comments that might be particularly remarkable for purposes of talking about taste and odor complaints relative to the A. That information would have also have been put into the LIMS system. Q. And did you look at all of the LIMS system entries for VOC samples in the Borough of Queens? A. The LIMS system, no, but I think there was another table; I'm not sure which one that was. Q. And we will look at those. Page 143 A. Okay. Q. Correct. And then likely put it somewhere else. That information is somewhere else, That's my point. Q. So if the and I'm just trying to be clear. So I understand you, if the person going to the field and taking the samples observes certain conditions, they record that on the green card and that is then transferred to the Laboratory Information Management 3 version of that that you looked at and which I looked at, is that the way its kept by Ms. Capetanakis or Mr. Tringali? MR. PASTERNACK: Objection, vague. BY MR. STACK: Q. Fm asking this for a very simple reason. A. Okay. Q. You told me you could import data from different databases. A. Right. A. No, export data from LIMS. Q. Correct. And then likely put it somewhere else? A. You don't merge files. You put it in its own. Q. But the taste and odor Page 143 Complaints file listed under paragraph Page 144 Complaints file listed under paragraph O. A. Right. Q. And as far as you know, no information was exported from LIMS and added to that just for purposes of the litigation? A. No. Q. With regard to the Queens Complaints database that was put		Page 142		Page 144
2 just look at the database. 3	1	to look at the green card, you could	1	the spreadsheet, for example, which is
So for me looking at green cards, it was an exercise in futility. Q. And with regard to the complaint cards, are there areas where the sampler can make remarks relative to the conditions that they observed? A. Yes. Q. And did you think, in terms of preparing for the deposition, that there were any comments that might be particularly remarkable for purposes of talking about taste and odor complaints relative to the A. That information would have also have been put into the LIMS system, Q. And did you look at all of the LIMS system entries for VOC samples in the Borough of Queens? A. The LIMS system, no, but I think there was another table, I'm not sure which one that was. Q. And we will look at those. Page 143 A. Okay. Q. We're not going to it is not a memory test. A. I mean, looking at the cards does nothing for me because all that information is somewhere else, that's my point. Q. So if the and I'm just trying to be clear. So I understand you, if the person going to the field and taking the samples observes certain conditions, they record that on the green card and that is then transferred to the Laboratory Information Management 15 System? So for me looking at green are divided to the at you looked at, is that the way its kept by Ms. Capetanakis or Mr. Tringali? MR. PASTERNACK: Objection, vague. BY MR. STACK: Q. I'm asking this for a very simple reason. A. Okay. Q. You told me you could import data from different databases. A. Right. A. No, export data from LIMS. Q. Correct. And then likely put it somewhere else? A. You don't merge files. You put it in its own. Q. But the taste and odor Page 14: Complaints file listed under paragraph Q. And as far as you know, no information was exported from LIMS and added to that just for purposes of the litigation? A. No. Q. With regard to the Queens C. We'the reason. A. Right. A. Right, that's a separate. Q. The version that I'm looking at, that version is in a form that's maintained by one of your subordinates in the ordinary course of doing their job? A.	1		2	the TASTEODOrCOMPLAINTS1994TO2008, the
4 cards, it was an exercise in futility. 5 Q. And with regard to the 6 complaint cards, are there areas where 7 the sampler can make remarks relative to 8 the conditions that they observed? 9 A. Yes. 10 Q. And did you think, in terms 11 of preparing for the deposition, that 11 there were any comments that might be 12 aparticularly remarkable for purposes of 14 talking about taste and odor complaints 15 relative to the 16 A. That information would have 17 also have been put into the LIMS system. 18 Q. And did you look at all of 19 the LIMS system entries for VOC samples 20 in the Borough of Queens? 21 A. The LIMS system, no, but I 21 think there was another table; I'm not 23 sure which one that was. 24 Q. We're not going toit is 25 not a memory test. 4 A. I mean, looking at the 5 cards does nothing for me because all 6 that information is somewhere else, 7 that's my point. 8 Q. So if the and I'm just 9 trying to be clear. So I understand 10 you, if the person going to the field 11 and taking the samples observes certain 26 Q. With regard to the Was. 27 A. Correct. 28 BY MR. STERNACK: 29 O, I'm asking this for a very simple reason. 4 A. Okay. 4 Q. So what I'm trying to 16 figure out is - 17 A. No, export data from LIMS. 4 A. No, export data from LIMS. 4 A. Well, you make right. 4 Q. Okay. 4 Q. Okay. 4 Q. We're not going toit is 5 or the cards does nothing for me because all 6 that information is somewhere else, 7 that's my point. 8 Q. So if the and I'm just 9 trying to be clear. So I understand 10 you, if the person going to the field 11 and taking the samples observes certain 12 conditions, they record that on the 13 green card and that is then transferred 14 to the Laboratory Information Management 15 System? 16 A. Correct.	1		3	version of that that you looked at and
Sept by Ms. Capetanakis or Mr. Tringali?	1		4	which I looked at, is that the way its
complaint cards, are there areas where the sampler can make remarks relative to the conditions that they observed? A. Yes. Q. And did you think, in terms of preparing for the deposition, that there were any comments that might be particularly remarkable for purposes of talking about taste and odor complaints relative to the A. That information would have also have been put into the LIMS system. Q. And did you look at all of the LIMS system, or but I think there was another table; I'm not sure which one that was. Q. And we will look at those. Page 143 A. Okay. Q. We're not going to it is not a memory test. A. I mean, looking at the cards does nothing for me because all that information is somewhere else, that's my point. Q. So if the and I'm just trying to be clear. So I understand you, if the person going to the field and taking the samples observes certain conditions, they record that on the green card and that is then transferred to the Laboratory Information Management System? A. Correct. A. Correct. A. Right. A. No, export data from LIMS. Q. Correct. And then likely put it somewhere else? A. Well, you make right. Q. Okay. A. You don't merge files. You put it in its own. Q. But the taste and odor Page 143 Page 144 A. Right, that's a separate. Q. The version that I'm looking at, that version is in a form that's maintained by one of your subordinates in the ordinary course of doing their job? A. Right. Q. And as far as you know, no information was exported from LIMS and added to that just for purposes of the litigation? A. No. A. No, export data from LIMS. Q. Okay. A. You don't merge files. You put it in its own. Q. But the taste and odor Page 14: A. Right. Q. The version that I'm looking at, that version is in a form that's maintained by one of your subordinates in the ordinary course of doing their job? A. Right. Q. And as far as you know, no information was exported from LIMS and added to that just for purposes of the litigation? A. No. Q. With regard to the	1		5	kept by Ms. Capetanakis or Mr. Tringali?
the sampler can make remarks relative to the conditions that they observed? A. Yes. Q. And did you think, in terms of preparing for the deposition, that there were any comments that might be particularly remarkable for purposes of talking about taste and odor complaints relative to the A. That information would have also have been put into the LIMS system. Q. And did you look at all of the LIMS system entries for VOC samples in the Borough of Queens? A. The LIMS system, no, but I think there was another table; I'm not sure which one that was. Q. And we will look at those. Page 143 A. Okay. Q. We're not going to it is not a memory test. A. I mean, looking at the cards does nothing for me because all that information is somewhere else, that's my point. Q. So if the and I'm just trying to be clear. So I understand you, if the person going to the field and taking the samples observes certain conditions, they record that on the green card and that is then transferred to the Laboratory Information Management System? A. Correct. A by MR. STACK: Q. I'm asking this for a very simple reason. A. Okay. Q. You told me you could import data from different databases. A. Right. Q. So what I'm trying to figure out is A. No, export data from LIMS. Q. Correct. And then likely put it is onewhere else? A. Well, you make right. Q. Okay. A. You don't merge files. You put it in its own. Q. But the taste and odor Page 143 Complaints file listed under paragraph 9 Soking it, that's a separate. Q. The version that I'm looking at, that version is in a form that's minitained by one of your surf the person going to the field 10 and taking the samples observes certain conditions, they record that on the green card and that is then transferred to the Laboratory Information Management 14 to the Laboratory Information Management 15 and 16 that just for purposes of the litigation? A. Correct. A. Right. Q. Okay. A. Right, that's a separate. Q. The version that I'm looking at, that version is in a f	1		6	MR. PASTERNACK: Objection,
the conditions that they observed? A. Yes. Q. And did you think, in terms of preparing for the deposition, that there were any comments that might be particularly remarkable for purposes of talking about taste and odor complaints relative to the A. That information would have also have been put into the LIMS system. Q. And did you look at all of the LIMS system entries for VOC samples in the Borough of Queens? A. The LIMS system, no, but I think there was another table; I'm not sure which one that was. Q. And we will look at those. Page 143 A. Okay. Q. We're not going to it is not a memory test. A. I mean, looking at the cards does nothing for me because all that information is somewhere else, that's my point. Q. So if the and I'm just trying to be clear. So I understand you, if the person going to the field and taking the samples observes certain conditions, they record that on the green card and that is then transferred to the Laboratory Information Management System? A. Correct. BYMR. STACK: Q. I'm asking this for a very simple reason. A. Okay. Q. You told me you could import data from different databases. A. Right. Q. So what I'm trying to figure out is A. No, export data from LIMS. Q. Correct. And then likely put it somewhere else? A. We'll, you make right. Q. Okay. A. You don't merge files. You put it in its own. Q. But the taste and odor Page 144 complaints file listed under paragraph 9 A. Right, that's a separate. Q. The version that I'm looking at, that version is in a form that's maintained by one of your subordinates in the ordinary course of doing their job? A. Right. Q. And as far as you know, no information was exported from LIMS and added to that just for purposes of the litigation? A. No. Q. With regard to the Queens complaints database that was put	1		7	vague.
9 A. Yes. 10 Q. And did you think, in terms 11 of preparing for the deposition, that 11 there were any comments that might be 13 particularly remarkable for purposes of 14 talking about taste and odor complaints 15 relative to the 16 A. That information would have 17 also have been put into the LIMS system. 18 Q. And did you look at all of 19 the LIMS system entries for VOC samples 20 in the Borough of Queens? 21 A. The LIMS system, no, but I 22 think there was another table; I'm not 23 sure which one that was. 24 Q. And we will look at those. Page 143 1 A. Okay. 2 Q. We're not going to it is 3 not a memory test. 4 A. I mean, looking at the 5 cards does nothing for me because all 6 that information is somewhere else, 7 that's my point. 8 Q. So if the and I'm just 9 trying to be clear. So I understand 10 you, if the person going to the field 11 and taking the samples observes certain 12 conditions, they record that on the 13 green card and that is then transferred 14 to the Laboratory Information Management 15 System? 16 A. Correct. 9 Q. With regard to the Queens 10 Q. With regard to the Queens 11 A. Okay. 12 Q. You told me you could import data from different databases. 12 A. Right. 12 Q. So what I'm trying to 13 dimport data from different databases. 14 A. Right. 16 G. Orrect. And then likely 19 uput it somewhere else? 10 A. We'll, you make right. 21 Q. Okay. 22 Q. We're not going to it is 23 not a memory test. 24 Q. We're not going to it is 3 not a memory test. 4 A. I mean, looking at the 5 cards does nothing for me because all 6 that information is somewhere else, 7 that's my point. 8 Q. So if the and I'm just 10 you, if the person going to the field 11 and taking the samples observes certain 12 conditions, they record that on the 13 green card and that is then transferred 14 to the Laboratory Information Management 15 Q. With regard to the Queens 16 Q. With regard to the Queens 17 A. Right. 18 Q. Dru told me you could import data from LIMS. A. Right. A. No, Okay. Q. Dru to take from	8	•	8	BY MR. STACK:
of preparing for the deposition, that there were any comments that might be particularly remarkable for purposes of talking about taste and odor complaints relative to the 16 A. That information would have also have been put into the LIMS system. 18 Q. And did you look at all of the LIMS system. 19 the LIMS system entries for VOC samples in the Borough of Queens? 20 in the Borough of Queens? 21 A. The LIMS system, no, but I think there was another table; I'm not sure which one that was. 22 Q. And we will look at those. Page 143 A. Okay. Q. We're not going to it is not a memory test. A. I mean, looking at the cards does nothing for me because all that information is somewhere else, that's my point. Q. So if the and I'm just trying to be clear. So I understand you, if the person going to the field and taking the samples observes certain conditions, they record that on the green card and that is then transferred to the Laboratory Information Management System? A. Correct. 11 A. Okay. Q. So what I'm trying to figure out is A. No, export data from LIMS. A. Well, you make right. Q. Okay. A. You don't merge files. You put it in its own. Q. But the taste and door Page 14: Complaints file listed under paragraph of looking at, that version is in a form that's maintained by one of your subordinates in the ordinary course of doing their job? A. Righ	1		9	Q. I'm asking this for a very
11 of preparing for the deposition, that 12 there were any comments that might be 13 particularly remarkable for purposes of 14 talking about taste and odor complaints 15 relative to the 16 A. That information would have 17 also have been put into the LIMS system. 18 Q. And did you look at all of 19 the LIMS system entries for VOC samples 20 in the Borough of Queens? 21 A. The LIMS system, no, but I 22 think there was another table; I'm not 23 sure which one that was. 24 Q. And we will look at those. Page 143 A. Okay. 2 Q. We're not going to it is 3 not a memory test. 4 A. I mean, looking at the 5 cards does nothing for me because all 6 that information is somewhere else, 7 that's my point. 8 Q. So if the and I'm just 9 trying to be clear. So I understand 10 you, if the person going to the field 11 and taking the samples observes certain 12 conditions, they record that on the 13 green card and that is then transferred 14 to the Laboratory Information Management 15 System? A. Correct. 11 A. Okay. 20 So what I'm trying to 16 figure out is - A. No, export data from different databases. A. Right. A. Right. A. No, export data from LIMS. Q. Correct. And then likely 19 put it somewhere else? A. We'll, you make right. Q. Okay. Q. But the taste and odor Page 143 Page 144 Complaints file listed under paragraph 9 A. Right, that's a separate. Q. The version that I'm 10 looking at, that version is in a form 11 that's maintained by one of your 12 subordinates in the ordinary course of 13 doing their job? A. Right. Q. And as far as you know, no 16 information was exported from LIMS and 17 added to that just for purposes of the 18 Q. With regard to the Queens 18 Q. With regard to the Queens 19 complaints database that was put	10	 Q. And did you think, in terms 	10	simple reason.
there were any comments that might be particularly remarkable for purposes of talking about taste and odor complaints relative to the 15	11		11	A. Okay.
13 particularly remarkable for purposes of 14 talking about taste and odor complaints 15 relative to the 16 A. That information would have 17 also have been put into the LIMS system. 18 Q. And did you look at all of 19 the LIMS system entries for VOC samples 20 in the Borough of Queens? 21 A. The LIMS system, no, but I 22 think there was another table; I'm not 23 sure which one that was. 24 Q. And we will look at those. Page 143 A. Right. Q. Correct. And then likely put it somewhere else? A. Well, you make right. Q. Okay. 22 A. You don't merge files. You put it in its own. Q. But the taste and odor Page 144 A. I mean, looking at the cards does nothing for me because all that information is somewhere else, that's my point. Q. So wift the and I'm just trying to be clear. So I understand you, if the person going to the field and taking the samples observes certain conditions, they record that on the green card and that is then transferred to the Laboratory Information Management System? A. Right. Q. So what I'm trying to figure out is 17 A. No, export data from LIMS. Q. Okay. Q. Okay. Q. Okay. Q. Okay. Q. Okay. Q. D. Okay. Q. But the taste and odor Page 143 A. Right. Q. Okay. Q. D. Okay. Q. Okay. Q. But the taste and odor Page 144 A. Right. A. No, export data from LIMS. Q. Okay. Q. Okay. Q. Okay. Q. Okay. Q. Okay. Q. But the taste and odor Page 144 A. Right. A. No, export data from LIMS. A. Well, you make right. Q. Okay. Q. Okay. Q. Okay. Q. Okay. Q. Okay. Q. But the taste and odor Page 144 A. Right. A. No, export data from LIMS. A. Well, you make right. Q. Okay. Q. Okay. Q. Okay. Q. Okay. Q. Okay. Q. Okay. Q. But the taste and odor Page 144 A. Right. A. Right. A. Right. A. No, export data from LIMS. A. Well, you make right. Q. Okay. Q. Had we will look at those. Q. A. Right, that's a separate. Q. The version that I'm looking at, that version is in a form that's maintained by one of your s	1		12	Q. You told me you could
14 talking about taste and odor complaints 15 relative to the 16 A. That information would have 17 also have been put into the LIMS system. 18 Q. And did you look at all of 19 the LIMS system entries for VOC samples 20 in the Borough of Queens? 21 A. The LIMS system, no, but I 22 think there was another table; I'm not 23 sure which one that was. 24 Q. And we will look at those. Page 143 A. Okay. Page 144 A. Right. Q. So what I'm trying to 16 figure out is 17 A. No, export data from LIMS. 18 Q. Correct. And then likely 19 put it somewhere else? 20 A. Well, you make right. 21 Q. Okay. 22 A. You don't merge files. You 23 put it in its own. 24 Q. But the taste and odor Page 143 A. Okay. Page 144 A. Right, that's a separate. 4 Q. The version that I'm 10 looking at, that version is in a form 11 that information is somewhere else, 12 think there was another table; I'm not 13 green card and that is then transferred 14 to the Laboratory Information Management 15 System? A. Correct. A. Right. Q. So what I'm trying to 16 figure out is 17 A. No, export data from LIMS. 18 Q. Correct. And then likely 19 put it somewhere else? 20 A. Well, you make right. 21 Q. Okay. 22 A. You don't merge files. You 23 put it in its own. 24 Q. But the taste and odor Page 144 A. Right, that's a separate. 4 Q. The version that I'm 10 looking at, that version is in a form 11 that information is somewhere else, 12 Q. So if the and I'm just 13 green card and that is then transferred 14 to the Laboratory Information Management 15 System? 16 A. Correct. A. Right. 16 Q. And as far as you know, no 17 nintered in the product of the purposes of the litigation? 18 Q. With regard to the Queens 19 complaints database that was put	1		13	import data from different databases.
15 relative to the 16 A. That information would have 17 also have been put into the LIMS system. 18 Q. And did you look at all of 19 the LIMS system entries for VOC samples 20 in the Borough of Queens? 21 A. The LIMS system, no, but I 22 think there was another table; I'm not 23 sure which one that was. 24 Q. And we will look at those. Page 143 1 A. Okay. 2 Q. We're not going to it is 3 not a memory test. 4 A. I mean, looking at the 5 cards does nothing for me because all 6 that information is somewhere else, 7 that's my point. 8 Q. So what I'm trying to 18 figure out is 20 figure out is 21 A. No, export data from LIMS. Q. Ocrect. And then likely put it somewhere else? A. You don't merge files. You put it in its own. Q. But the taste and odor Page 143 Page 144 Complaints file listed under paragraph 9 3 A. Right, that's a separate. Q. The version that I'm looking at, that version is in a form that's maintained by one of your subordinates in the ordinary course of doing their job? A. Right. Q. And as far as you know, no information was exported from LIMS and added to that just for purposes of the litigation? 14 to the Laboratory Information Management 15 System? 16 A. Ocrect.	1	• • •	14	A. Right.
17 also have been put into the LIMS system. 18 Q. And did you look at all of 19 the LIMS system entries for VOC samples 20 in the Borough of Queens? 21 A. The LIMS system, no, but I 22 think there was another table; I'm not 23 sure which one that was. 24 Q. And we will look at those. Page 143 1 A. Okay. 2 Q. We're not going to it is 3 not a memory test. 4 A. I mean, looking at the 5 cards does nothing for me because all 6 that information is somewhere else, 7 that's my point. Q. So if the and I'm just Q. So if the person going to the field 10 you, if the person going to the field 11 and taking the samples observes certain 12 conditions, they record that on the 13 green card and that is then transferred 14 to the Laboratory Information Management 15 System? 16 A. No, export data from LIMS. Q. Correct. And then likely put it somewhere else? A. Well, you make right. Q. Okay. A. You don't merge files. You put it in its own. Q. But the taste and odor Page 143 Page 144 complaints file listed under paragraph 9 A. Right, that's a separate. Q. The version that I'm looking at, that version is in a form that's maintained by one of your subordinates in the ordinary course of doing their job? A. Right. Q. And as far as you know, no information was exported from LIMS and added to that just for purposes of the litigation? 14 A. No. Q. With regard to the Queens complaints database that was put	1	•	15	Q. So what I'm trying to
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that information is somewhere else, that's my point. Q. So if the and I'm just subordinates in the ordinary course of doing their job? trying to be clear. So I understand you, if the person going to the field and taking the samples observes certain conditions, they record that on the green card and that is then transferred to the Laboratory Information Management System? A. Correct. that's maintained by one of your subordinates in the ordinary course of doing their job? A. Right. Q. And as far as you know, no information was exported from LIMS and added to that just for purposes of the litigation? A. No. Q. With regard to the Queens complaints database that was put	4	 A. I mean, looking at the 	4	Q. The version that I'm
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8 Q. So if the and I'm just 9 trying to be clear. So I understand 10 you, if the person going to the field 11 and taking the samples observes certain 12 conditions, they record that on the 13 green card and that is then transferred 14 to the Laboratory Information Management 15 System? 16 A. Correct. 8 doing their job? 9 A. Right. Q. And as far as you know, no information was exported from LIMS and added to that just for purposes of the litigation? 14 A. No. Q. With regard to the Queens complaints database that was put	6	that information is somewhere else,	6	that's maintained by one of your
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14 to the Laboratory Information Management 14 A. No. 15 System? 15 Q. With regard to the Queens 16 A. Correct. 16 complaints database that was put	12	conditions, they record that on the	l	· · ·
15 System? 15 Q. With regard to the Queens 16 A. Correct. 16 complaints database that was put	13		13	litigation?
16 A. Correct. 16 complaints database that was put	14	to the Laboratory Information Management		
1	15	System?		` ` `
17 Q. And is that then put onto 17 together by Mr. Lu and Ms. Xu, that is	16	A. Correct.		
	17	•		
any other database that you could review 18 maintained in the form that we see it in	18			
19 or anyone else in the City could review, 19 the ordinary course of business?			l	
20 like a log or some kind of 20 A. I don't think so. I think	1			
21 A. Well, you can export that 21 that that was that data was extracted	20	A Well you can export that	21	that that was that data was extracted
1	20 21			
	20 21 22	data into one of these spreadsheets.	22	•
24 spreadsheets that have been prepared, 24 Queens, I believe.	20 21 22 23	data into one of these spreadsheets. Q. And with regard to the	23	address at the tap VOC sampling in

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VOLUME II.

IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl:MDL NO. 1358 (SAS)
Ether ("MTBE") :

Products Liability : Litigation :

In Re:

City of New York

CONFIDENTIAL (Per 2004 MDL 1358 Order)

November 20, 2008

Continued Videotaped
Deposition of VIRGINIA MURRAY, 30(b)(6)
witness re taste and odor, held in the
law offices of McDermott, Will & Emery,
340 Madison, New York, New York 10173,
beginning at approximately 9:39 a.m.,
before Ann V. Kaufmann, a Registered
Professional Reporter, Certified
Realtime Reporter, Approved Reporter of
the U.S. District Court, and a Notary
Public.

GOLKOW TECHNOLOGIES, INC. 877.370.3377 ph|917.591.5672 fax deps@golkow.com

	Page 424		Page 426
1	A. Each borough has a borough	1	decision made in the field, may have
2	engineer, so we deal with the borough	2	entailed volatile organic compound
3	engineer.	3	testing.
4	Q. And with respect to	4	So my question to you is,
5	investigation in instances where, as we	5	was there ever an instance, apart from a
6	saw, there was a QD code where there was	6	taste and odor complaint, where a
7	actually oil and grease being reported	7	complaint was registered of a
8	in the water, is there an onsite	8	contaminant visible or contaminant
9	investigation conducted in the field by	9	present, in some other manner of
10	someone from your office or under	10	perceptive perceived by the customer,
11	Mr. Tringali's direction who actually	11	that you were called into the field to
12	goes out to find out what the problem	12	do sampling and the sampling was
13	is?	13	sampling that showed presence of MTBE in
14	A. Are you talking about	14	the water system?
15	construction in the area?	15	A. It's possible that we were
16	_	16	investigating something and MTBE showed
17	Q. As one example, yes, ma'am.	17	up, but I can't recall any particular
18	A. That was a bigger	18	instances.
19		19	Q. You indicated yesterday
1	investigation than just water quality. That was a broken water main that	20	two more subjects to go that you were
20		21	involved in meetings with community
21	involved the Bureau of Water and Sewer,	22	groups at times in the course of your
22	their deputy commissioner, and all their	23	job; am I correct?
23	construction engineers. That was a big		
24	event; and, yes, they did contact Water	24	
	Page 425		Page 427
1	Quality to come out and take samples,	1	Q. Had your division ever
2	but it was their investigation that we	2	attended meetings of community groups in
3	responded to.	3	Queens to respond to taste and odor or
4	Q. As I understand it, you	4	water quality complaints?
5	actually did participate in that	5	A. I believe so.
6	particular incident?	6	Q. Have you personally ever
7	A. Yes.	7	attended any of those?
8	 Q. Are there any instances 	8	A. No, I have not.
9	that you can recall where there were	9	Q. And with respect to the
10	contaminants present in the water supply	10	community groups in Queens, are there
11	system and you were called upon to	11	any instances which you can identify for
12	actually go to the field and conduct	12	us in which the City responded to
13	sampling and the contaminant of concern	13	complaints from a community group
14	was MTBE?	14	related to concerns about MTBE in the
15	A. We did not test for MTBE	15	water system creating taste and odor
16	for consumer complaints, so we would not	16	problems?
17	have made that correlation.	17	A. Specifically MTBE?
18	Q. And my question, though, is	18	Q. Yes, ma'am.
19	recognizing you didn't test for MTBE	19	A. No.
20	from consumer complaints, there	20	Q. Any instances you can
21	obviously were some circumstances that	21	recall where community groups complained
22	you have identified to us that fell into	22	about gasoline being present in the
23	a different category and necessitated a	23	groundwater area and possibly affecting
24	response, which depending upon the	24	taste and odor, be it through MTBE or

36 (Pages 424 to 427)